

### Town of Dover Planning Board

Town of Dover  
126 East Duncan Hill Road  
Dover Plains, NY 12522



(845) 832-6111 ext 100

### Planning Board Meeting Agenda

Monday October 07, 2013

7:00 PM

- Co-Chair David Wylock
- Member Valerie LaRobardier
- Member Peter Muroski
- Member Michael Villano
- Member William Sedor

Also, in attendance representing the Planning Board was Planner Ashley Ley, Attorney Victoria Polidoro, Engineer Michele Zerfas (of Berger Engineering) and Planning Board Liaison Rich Yeno

#### Meeting Called to Order

The regular monthly meeting of the Town of Dover Planning Board was called to order by Chair Wylock at 7:02 and began with the Pledge of Allegiance

Councilman and Planning Board Liaison Rich Yeno- At the last Town Board meeting he mistakenly noted the Dover Village Market application was withdrawn, the records show this project has not been withdrawn. He thanked the Planning Board for their hard work and intends to keep the Public informed with Status updates at the Town Board meetings.

#### CONTINUED PUBLIC HEARINGS:

**a) O'Mara 2 lot Subdivision 7059-00-917529**

**APPLICANT:** O'Mara Realty Corp. **PLANS PREPARED BY** Harry Nichols, P.E.

**PROPERTY LOCATED** on Coleman Lane and Johnson Road, Wingdale

**APPLICATION FOR** Preliminary plat subdivision to create 1 new lot on 2.93 acre parcel in the SR district

Planning Board Chair and Engineer met with the Applicant's Engineer prior to the last meeting, and is awaiting additional information from the Applicant and his Engineer

*Comments:*

1. *The subdivision plat needs to be prepared by a licensed land surveyor.*

**COMPLETED**

2. *The applicant needs to decide if they are submitting a reality or non reality subdivision.*

If a non--realty subdivision is proposed easements for the existing stormwater from Johnson Road and Coleman Lane need to be provided as well as easements for any proposed stormwater runoff for any proposed use.

If a realty subdivision is proposed the following should be performed:

- Are proposed SDS in ground systems or do they need fill? If fill is required the proposed grading should be shown on the plan.
- Design of house and drive with the appropriate grading and erosion control should be shown.
- If more than 0.5 acres of area is being disturbed a chapter 65 erosion control permit is required and storm water calculations as well as proposed treatment of stormwater provided.

**Motion made by David Wylock to open the O'Mara Subdivision Public Hearing second by Peter Muroski**

VOTE: CO-CHAIR WYLOCK	AYE	MEMBER VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

No comments from the Public  
No comments from Board members

**Motion made by David Wylock to continue the O'Mara Public Hearing to December 2, 2013 second by Michael Villano**

VOTE: CO-CHAIR WYLOCK	AYE	MEMBER VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

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**I. Old Business:**

**a) REAGANS MILL WATER COMPANY - LOT LINE CHANGE 7160-00-190630 & 7160-01-235625**

APPLICANT Anthony Pisarri for Reagans Mill Water Company & Westchester Modular Homes

PREPARED BY: ANTHONY PISARRI      PROPERTY LOCATED at: 24 & 30 Reagan's Mill Road, Wingdale in the CO district.

APPLICATION FOR SUBDIVISION: An exchange of land between the Water Company parcel and the Modular Homes Factory in order to abandon existing wells and activate of another set of wells and include them on the Water Company parcel

Anthony Pisarri - There are presently 4 wells 2 (known as wells 1 &2) on the existing water company parcel - 2 (known as wells 3 & 4) on the Factory parcel- these (wells 1&2) service Country Mills, Wood Winds & the Factory. At one time there was an application to expand the factory, they are not moving forward on that item. The wells (3 & 4) were drilled, tested and approved by DEC. They are here to move the lot lines to take wells 1 & 2 off line, get wells 3 & 4 on the Water Company property and activate them. Wells 1 & 2 will be deactivated. The balance of what was the water company parcel will be transferred to the Factory. Well 2 will remain on

Water company parcel and if there were any issues with the activation of wells 3 & 4 well 2 has enough capacity to handle the flow.

Chair Wylock- There was a question of this being a landlocked parcel

A: there is an access easement, with at least 25' in width supplied. (The old map showed 20 and has been revised)

The DEC report from the approval of wells 3 & 4 was submitted to the Board

Chair Wylock- to Attorney Polidoro- The applicant submitted a short form EAF; with the new forms from DEC does this affect this application?

A: yes and no, the form is effective today, which to her means to use the new form from this point on. THE FAQ section on the DEC website, says Planning Boards have the disgression, so if the old form was already submitted and is already in process, you can continue to use it.

Planner Ley- The zoning table was added to the new map, so that request has been satisfied  
Engineer Zerfas- no comments

**Motion made by Valerie LaRobardier to type this action as unlisted and declare intent to serve as lead agent in a coordinated review and circulate this application to NYS DEC, Dutchess County Department of Health & Town of Dover Highway Department second by Bill Sedor**

VOTE: CO-CHAIR WYLOCK AYE MEMBER VALERIE LAROBARDIER AYE  
MEMBER PETER MUROSKI AYE MEMBER MICHAEL VILLANO AYE  
MEMBER WILLIAM SEDOR AYE

*Motion approved*

\*\*\* The Short EAF was reviewed- a statement on the SEQRA determination was not made and will be entertained at the November 13, 2013 meeting after comments have been received from the involved/interested agencies, a written resolution will be prepared

**Motion made by Peter Muroski to set the Public Hearing for the Reagans Mill Water Company for November 13, 2013 second by Michael Villano**

VOTE: CO-CHAIR WYLOCK AYE MEMBER VALERIE LAROBARDIER AYE  
MEMBER PETER MUROSKI AYE MEMBER MICHAEL VILLANO AYE  
MEMBER WILLIAM SEDOR AYE

*Motion approved*

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**II. New Business:**

**b) DOVER MOBIL- RE APPLICATION- 7160-00-061080**

**APPLICANT: QUALITY PETROLEUM PLANS PREPARED BY JOHN KALIN  
PROPERTY LOCATED AT NYS RT 22, WINGDALE**

**APPLICATION FOR RENEWED APPROVAL-** Applicant seeks renewal of Approval granted December 17, 2012- which expired June 2013- No changes are proposed to previously approved plan

John Kalin- The approval for this project lapsed while working on the water system. They found out the well had to be drilled over 1000 feet, in order to reach quantity needed. Quality of the water is actually good, just a little hard.

The Diner is down and prepared to leave the site.

Planner Ley- With respect to the Traffic study, we received a letter from John Collins regarding the changes in background conditions. The original traffic study included Dover Knolls as part of the growth, but the phase that would have been in place when this project would be built was the early part of phase 1. That phase did not have any mitigation measure applied to any of the intersection included in the Dover Mobil traffic study. The fact that Dover Knolls is not moving forward does not affect the conclusions of the traffic study for this project. One fact is the traffic proposed for Dover Knolls would have been greater than what is now expected.

**ENGINEER BERGER'S NOTES:**

**Comments:**

- 1. In review of the plans submitted the only concern I have is to add a note requiring fire suppression systems for both building and canopy.*

Applicant agreed to add this note to the plat, all other noted required by the Planning board Engineer have already been added to the map

**RESOLUTION TO REAFFIRM A SEQRA DETERMINATION OF NON-SIGNIFICANCE AND TO REFER THE APPLICATION TO COUNTY PLANNING & DEVELOPMENT**

**DOVER MOBIL**

**October 7, 2013**

**Property Address: 1782 Route 22**

WHEREAS, the applicant, Quality Petroleum, has submitted an application for reapproval of a site plan, special permit approval and erosion and sediment control permit for the construction of a 3250 square foot convenience store with a drive thru, fueling facility with three unleaded gas pump islands, two diesel gas pump islands, and associated site improvements; and

WHEREAS, the application was conditionally approved by the Planning Board on December 17, 2012, but expired due to the applicant's failure to timely meet the conditions of approval; and

WHEREAS, the site is located at the intersection of NYS Route 22, Route 55 and Pleasant Ridge Road, in the hamlet of Wingdale, in the HM Zoning District; and

WHEREAS, retail and service businesses are permitted in the HM District subject to site plan approval; and

WHEREAS, the site is located within close proximity to NYCDEP Wetlands DP-22 (the Great Swamp) and DP-30 and is identified on the NYSDEC's Environmental Resource Mapper as being within the "wetland check zone"; and

WHEREAS, the applicant has submitted correspondence from the NYSDEC dated October 10, 2012, indicating that any on-site wetlands are not DEC wetlands; and

WHEREAS, although the NYSDEC Environmental Resource Mapper has identified the project site as having the potential to support threatened or endangered species, the site is comprised of a 3.3 acre "island" located between two state highways and a county road, fragmenting it from other potential habitat; and

WHEREAS, the applicant will not be disturbing sensitive areas of the site and has only proposed to increase disturbance at the site by .02 acres, leaving approximately 2 acres undisturbed; and

WHEREAS, all stormwater will be captured and treated on-site, as detailed in a drainage report prepared by John Kalin, P.E., dated July 2012; and

WHEREAS, the applicant has caused the preparation of a traffic study which concludes that the proposed layout will not result in significant traffic impacts off or on-site, which was supplemented by letter dated October 1, 2013 from John Collins, P.E. Of Maser Consulting P.A; and

WHEREAS, on December 3, 2012, the Planning Board, serving as lead agency in a coordinated review of the project, determined that the project as proposed would not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement would not be prepared; and'

WHEREAS, the project has not changed since December 3, 2012 and the Planning Board continues to serve as lead agency for the review of the project; and

WHEREAS, there have been no significant projects proposed or constructed in the vicinity of the site that would alter the information relied on in the Planning Board's original determination of non-significance.

**NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby reaffirms its prior SEQRA finding of non-significance adopted on December 3, 2012, finding that the project as proposed will not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement would not be prepared; and**

**BE IT FURTHER RESOLVED, that the Planning Board hereby directs its Secretary to refer the application to the Dutchess County Department of Planning & Development pursuant to Section 239-m of the General Municipal Law.**

**Moved by:** Peter Muroski **Seconded by:** Valerie LaRobardier

David Wylock	<u>Aye</u>
Valerie LaRobardier	<u>Aye</u>
Peter Muroski	<u>Aye</u>
William Sedor	<u>Aye</u>
Michael Villano	<u>Aye</u>

Planning Board Chair David Wylock

Interested and Involved Agencies

Town of Dover Architectural Review Board, Army Corps of Engineers, NYS Department of Transportation  
NYS Department of Environmental Conservation, Dutchess County Department of Health  
Dutchess County Department of Public Works, J.H. Ketcham Hose Company, Dover School District

**Motion made by Michael Villano to set the Public Hearing for the Dover Mobil Re Approval for November 13, 2013 second by Valerie LaRobardier**

VOTE: CO-CHAIR WYLOCK	AYE	MEMBER VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER WILLIAM SEDOR	AYE		

*Motion approved*

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c) **WINCHESTER TIMBER HARVEST- 7263-00-234912**  
**APPLICANT: ROBERT BEHAM PLANS PREPARED BY MEL HARDER, FORESTER**  
**PROPERTY LOCATED AT 592 BOG HOLLOW ROAD, DOVER**  
**APPLICATION FOR TIMBER HARVEST - WITH SITE PLAN SPECIAL PERMIT & EROSION**  
**CONTROL PERMIT**

**WINCHESTER TIMBER HARVEST-**

Robert Beham- The property is a little more than 100 acres; there is a history of a timber harvest possibly in the 80's. The skid roads are still in good condition, there were no erosion problems, they intend to use the same skid trails. They are working to get the timing so they can work while the ground is frozen, to reduce erosion hazards. There are 2 intermittent stream crossings; they plan to corduroy them, which is to lay small logs in the stream channel and at the approaches for the equipment to cross. When they are done using it they will pull the poles out so the stream will remain unobstructed. The landing area is in place, just overgrown with weeds. There is no plan to bulldoze or do any construction of any sort. The landing area has a slight slope, there should be no issues with run off. The species to be cut is a mix of hemlock hardwoods. Most of the hemlock trees in the area look like they have the hemlock scale and a lot of die back. They plan on trying to salvage whatever they can, although some are too far gone. The same is for the Ash tree, the Bore is around.

Brasher road- Is that a public road?

A: it is believed so; there are 2 residences on it.

It is a Town maintained road.

Planner Ley- They did submit the reports from the Natural Heritage program which showed there were no threatened or endangered species in the area that they were aware of. The fact this is planned to take place in the winter, also helps if there were species.

Engineer Zerfas:

**Chapter 65 requirements:**

**Comments:**

1. *Operation will utilize existing gravel drive, skid roads, and landing areas. Two temporary poled ford stream crossing will be installed.*
2. *Wetland GIS Map shows wetland across property access road.*
3. *ERM shows a classified stream*
4. *USGS map indicates conservation area.*
5. *NYSDEC endangered species report found non Endangered/Threatened Species.*
6. *Moderate and severe erosion hazard soils Charlton (CrE), Chatfiels-Hollis (CtD) and Hollis (HoF) are located adjacent to Crane Pond.*
7. *What measures will be implemented to protect NYSDEC wetland, stream, buffers and intermittent water courses leading to wetlands?*
8. *Provide information listed in Chapter 65; no waivers have been requested*
  - a. *Maps provided are at a scale of 1" = 500 feet*
  - b. *The applicant states no site disturbance will be performed.*
  - c. *Cost estimate for erosion control as required in Sec 65-9 D and E are also not provided.*

- d. *Only Temporary Stream Crossing detail provided No other erosion control details or provision for runoff control, stabilized entrance, sediment control, seeding or mulching are provided.*
- 9. *of the above information not provided I recommend waiving only the following sections:  
Sec 65-9-A4 ,A 5, A11 and Sec 65-9 C8,*

Member Muroski- You mentioned harvesting hardwoods & Hemlock - are you finding the hemlock scale and the wooly Adel are getting worse?

A: it seems to have been maintaining not completely stopped but drastically slowed, we don't have a problem with the adelgent or the scale.

Q; So you're not seeing as many infected trees as you were like 10 years ago?

A: some have died since, in Massachusetts no we haven't. Unfortunately, where it does land- it's large scale mortality, not little patches.

Q: so you are seeing stands that are healthy?

A: yes there are some still out there.

A narrative was requested on the erosion control plan

Audio was lost from this point forward

**Motion made by Peter Muroski to set the escrow for the Winchester Timber Harvest at \$1,500.00 second by Michael Villano**

VOTE: CO-CHAIR WYLOCK	AYE	MEMBER VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER WILLIAM SEDOR	AYE		

*Motion approved*

\*\*\* The Short EAF was reviewed

**RESOLUTION CLASSIFYING THE ACTION AND REFERRING THE APPLICATION TO THE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT**

**WINCHESTER TIMBER HARVEST**

**October 7, 2013**

**Property Address: 592 Bog Hollow Road**

WHEREAS, the applicant, R.J. Beham Forest Products, has submitted an application for site plan and special permit approval for the selective thinning of 90 acres of woodlands on a portion of a 103.76 acre parcel located at 592 Bog Hollow Road, Dover, in the RU Zoning District, and identified as Tax No. 7263-00-234912; and

WHEREAS, commercial logging is permitted in the RU District subject to site plan and special permit review; and

WHEREAS, the applicant has also applied for an erosion and sediment control permit; and

WHEREAS, the applicant is proposing to use existing skid trails and an existing land area for the selective timber harvest; and

WHEREAS, a portion of the property contains a conservation area which will remain undisturbed; and

WHEREAS, the application was accompanied by a Short Environmental Assessment Form ("EAF") dated September 10, 2013; and

WHEREAS, in accordance with the New York State Environmental Quality Review Act ("SEQRA"), said Board is required to determine the classification of the proposed action.

**NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby classifies the project as an unlisted action under SEQRA; and**

**BE IT FURTHER RESOLVED, that the Planning Board hereby directs the Secretary to the Planning Board to refer the application to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law.**

Moved by: William Sedor Seconded by: Michael Villano

David Wylock	<u>Aye</u>
Valerie LaRobardier	<u>Aye</u>
Peter Muroski	<u>Aye</u>
William Sedor	<u>Aye</u>
Michael Villano	<u>Aye</u>

Planning Board Chair David Wylock

**Motion made by Peter Muroski to approve the Short Form EAF second by Bill Sedor**

VOTE: CO-CHAIR WYLOCK	AYE	MEMBER VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER WILLIAM SEDOR	AYE		

*Motion approved*

**Motion made by Valerie LaRobardier to set the Public Hearing for the Winchester Timber Harvest for November 13, 2013 second by Bill Sedor**

VOTE: CO-CHAIR WYLOCK	AYE	MEMBER VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER WILLIAM SEDOR	AYE		

*Motion approved*

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**III. Entertain Request for Extension:**

- a) **MEADOWBROOK ESTATES - 7063-00-511774**  
**APPLICANT:** Meadow Brook Properties, LLC.  
**PLANS PREPARED BY:** ZARECKI & ASSOCIATES  
**PROPERTY LOCATED:** on NYS RT22, Dover **APPLICATION FOR:** Subdivision

**RESOLUTION TO EXTEND THE TIME IN WHICH TO SUBMIT A FINAL PLAT**

**Meadow Brook Estates Subdivision**

October 7, 2013

WHEREAS, on November 8, 2007, the Planning Board granted preliminary plat approval to the subdivision entitled "Meadow Brook Properties, LLC" for property located on New York State Route 22, Tax Parcel No. 7063-00-511774 (the "site"); and

WHEREAS, pursuant to Section 125-8(A) of the Dover Code, a final plat must be submitted to the Planning Board within six months of preliminary plat approval; and

WHEREAS, the applicant was not able to submit a final plat for the Board's consideration before the expiration of approval of ten six-month extensions of time; and

WHEREAS, by letter dated October 3, 2013, the applicant timely requested an additional extension of time in which to submit a final plat from November 8, 2013 to May 8, 2014; and

WHEREAS, the Planning Board has, in its discretion, considered the circumstances of the applicant which warrant an extension thereof.

**NOW, THEREFORE, BE IT RESOLVED, that pursuant to Town Law § 276(5)(h), the Planning Board hereby grants the applicant a six-month extension of time to May 8, 2014, to submit a final plat for the Board's consideration.**

It is the responsibility of the applicant to track the time frame within which this extension of approval will expire. There will be no written or verbal notification to the applicant from the Planning Board office prior to the expiration of this extension of the approval.

**Moved by:** Peter Muroski **Seconded by:** Michael Villano

David Wylock	AYE
Valerie LaRobardier	AYE
Peter Muroski	AYE- Motion
William Sedor	AYE
Michael Villano	AYE- Second

Planning Board Chair David Wylock

*\*\*\* Since the is the 10<sup>th</sup> extension when the applicant is ready for final approval it would be best if SEQRA is revisited since there has been such a huge gap in time from the initial approval*

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**IV. Minutes:**

a) Minutes of September 16, 2013

**Motion made by Valerie LaRobardier to approve the minutes of September 16, 2013 as corrected second by Bill Sedor**

VOTE: CO-CHAIR WYLOCK	AYE	MEMBER VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER WILLIAM SEDOR	AYE		

*Motion approved*

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The next Planning Board meeting will be November 13, 2014, a Wednesday night the November 4<sup>th</sup> meeting has been cancelled for Election Day set up and November 18 has been cancelled due to court

**V. Adjournment**

**Motion made by Peter Muroski to adjourn at 7:52 by Valerie LaRobardier**

VOTE: CO-CHAIR WYLOCK	AYE	MEMBER VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER WILLIAM SEDOR	AYE		

*Motion approved*

Respectfully submitted,

*Betty-Ann Sherer*

Betty-Ann Sherer

[LandUse@TownofDoverNY.US](mailto:LandUse@TownofDoverNY.US)

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Full Audio may be requested for a fee by completing a FOIL request form from the Dover Town Clerk  
This meeting may now be viewed at Cablevision Channel 22 for residents who have that provider-Please check local listings for meeting re broadcast times

All reasonable accommodations will be made for persons with disabilities. In such a case, please notify Betty-Ann Sherer in advance by phone at 845-832-6111 ext 100 so that arrangements can be made

Please call the Planning Board Office with any questions 845-832-6111 ext 100